

**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE CEMETERY AND FUNERAL BUREAU  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. A1 2017 397

**CLAUDE M. BRYANT**

**5031 E. Dana Avenue  
Stockton, CA 95215**

**Funeral Director License No. FDR 3044**


One.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Director of Consumer Affairs and the Cemetery and Funeral Bureau as the Decision and Order in the above entitled matter.

This Decision shall become effective on January 3, 2019.

It is so ORDERED December 4, 2018.



\_\_\_\_\_  
RYAN MARCROFT  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
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Deputy Attorney General  
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7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE CEMETERY AND FUNERAL BUREAU**  
11 **STATE OF CALIFORNIA**

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13 In the Matter of the Accusation Against:

Case No. A1 2017 397

14 **CLAUDE M. BRYANT**

15 **5031 E. Dana Avenue**  
**Stockton, CA 95215**

16 **Funeral Director License No. FDR 3044**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Lisa M. Moore (Complainant) is the Bureau Chief of the Cemetery and Funeral  
23 Bureau (Bureau). She brought this action solely in her official capacity and is represented in this  
24 matter by Xavier Becerra, Attorney General of the State of California, by Elena L. Almanzo,  
25 Deputy Attorney General.

26 2. Claude M. Bryant (Respondent) is representing himself in this proceeding and has  
27 chosen not to exercise his right to be represented by counsel.  
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1           3.     On or about April 10, 2008, the Bureau issued Funeral Director License No. FDR  
2     3044 to Claude M. Bryant. The Funeral Director License expired on April 30, 2017, and has not  
3     been renewed.

4                                   JURISDICTION

5           4.     Accusation No. A1 2017 397 was filed before the Director of Consumer Affairs  
6     (Director), and is currently pending against Respondent. The Accusation and all other statutorily  
7     required documents were properly served on Respondent on August 31, 2018. Respondent timely  
8     filed his Notice of Defense contesting the Accusation. A copy of Accusation No. A1 2017 397 is  
9     attached as Exhibit A and incorporated by reference.

10                               ADVISEMENT AND WAIVERS

11          5.     Respondent has carefully read, and understands the charges and allegations in  
12     Accusation No. A1 2017 397. Respondent also has carefully read, and understands the effects of  
13     this Stipulated Surrender of License and Order.

14          6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
15     hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
16     his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17     present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18     the attendance of witnesses and the production of documents; the right to reconsideration and  
19     court review of an adverse decision; and all other rights accorded by the California  
20     Administrative Procedure Act and other applicable laws.

21          7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22     every right set forth above.

23                               CULPABILITY

24          8.     Respondent admits the truth of each and every charge and allegation in Accusation  
25     No. A1 2017 397, agrees that cause exists for discipline and hereby surrenders his Funeral  
26     Director License No. FDR 3044 for the Bureau's formal acceptance.

27          9.     Respondent understands that by signing this stipulation he enables the Director to  
28     issue his order accepting the surrender of his Funeral Director License without further process.

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1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
2 Respondent's license history with the Bureau.

3 2. Respondent shall lose all rights and privileges as a Funeral Director in California as  
4 of the effective date of the Director's Decision and Order.

5 3. Respondent shall cause to be delivered to the Bureau his original wall license and  
6 any/all renewal licenses or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
11 contained in Accusation No. A1 2017 397 shall be deemed to be true, correct and admitted by  
12 Respondent when the Director determines whether to grant or deny the petition.

13 5. Respondent shall pay the Bureau its costs of investigation and enforcement in the  
14 amount of \$1,919.49 prior to issuance of a new or reinstated license.

15 ACCEPTANCE

16 I have carefully read the Stipulated Surrender of License and Order. I understand the  
17 stipulation and the effect it will have on my Funeral Director License. I enter into this Stipulated  
18 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
19 by the Decision and Order of the Director of Consumer Affairs.

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21 DATED: Oct. 25, 2018

Claude M. Bryant  
22 CLAUDE M. BRYANT  
23 Respondent  
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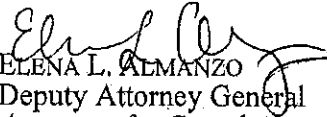
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Director of Consumer Affairs.

Dated: 11/13/18

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

  
ELENA L. ALMANZO  
Deputy Attorney General  
*Attorneys for Complainant*

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## **Exhibit A**

**Accusation No. A1 2017 397**

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
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12 **CLAUDE M. BRYANT**  
13 **5031 E. Dana Avenue**  
14 **Stockton, CA 95215**

**ACCUSATION**

15 **Funeral Director License No. FDR 3044**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Lisa M. Moore (Complainant) brings this Accusation solely in her official capacity as  
21 the Bureau Chief of the Cemetery and Funeral Bureau (Bureau), Department of Consumer  
22 Affairs.

23 2. On or about April 10, 2008, the Bureau issued Funeral Director License No. FDR  
24 3044 to Claude M. Bryant (Respondent). The Funeral Director License expired on April 30,  
25 2017, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118 (b) of the Code provides that the suspension, expiration, or cancellation of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period in which the license may be renewed, restored, reissued or reinstated. Under section 7725.5 of the Code, the Bureau can renew a license within five years of its expiration.

5. Section 7686 of the Code provides in pertinent part, that the Bureau may suspend or revoke a license, after proper notice and hearing to the licensee, if the licensee has been found guilty by the Bureau of any of the acts or omissions constituting grounds for disciplinary action.

## STATUTORY PROVISIONS

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the grounds that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

8. Section 7691 of the Code states:

Conviction of a crime substantially related to the qualifications, functions and duties of the license holder in question constitutes a ground for disciplinary action. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

1       9.     Section 7692 of the Code states:

2       Misrepresentation or fraud in the conduct of the business or the profession of a  
3       funeral director or embalmer constitutes a ground for disciplinary action.

4       10.    Section 7709 of the Code states:

5       A plea or verdict of guilty or a conviction following a plea of nolo contendere is  
6       deemed to be a conviction within the meaning of this article. The bureau may order  
7       the license suspended or revoked, or may decline to issue a license, when the time for  
8       appeal has elapsed, or the judgment of conviction has been affirmed on appeal or  
9       when an order granting probation is made suspending the imposition of sentence,  
irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
Code allowing such person to withdraw his plea of guilty and to enter a plea of not  
guilty, or setting aside the verdict of guilty, or dismissing the accusation, information  
or indictment.

#### 10                                   REGULATORY PROVISIONS

11       11.   California Code of Regulations, title 16, section 1252 states:

12       For the purposes of denial, suspension, or revocation of a license pursuant to Division  
13       1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
14       act shall be considered to be substantially related to the qualifications, functions or  
15       duties of a licensed funeral establishment, licensed funeral director, or licensed  
16       embalmer if to a substantial degree it evidences present or potential unfitness of a  
17       licensed funeral establishment, licensed funeral director, or licensed embalmer to  
18       perform the functions authorized by his license in a manner consistent with the public  
19       health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
20       involving the following:

21       (a) Conviction of a crime involving fiscal dishonesty.

22       (b) Any violation of the provisions of Chapter 12, Division 3 of the Business and  
23       Professions Code.

#### 24                                   COST RECOVERY

25       12.   Section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise provided  
26       by law, in any order issued in resolution of a disciplinary proceeding before any board within the  
27       department . . . upon request of the entity bringing the proceeding, the administrative law judge  
28       may direct a licensee found to have committed a violation or violations of the licensing act to  
pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

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**FIRST CAUSE FOR DISCIPLINE**  
**(Conviction of a Substantially Related Crime)**

13. Respondent is subject to disciplinary action under Code sections 490 and 7691 in that he was convicted of a crime that is substantially related to the qualifications, functions, and duties of a licensed funeral director. The circumstances follow:

a. On October 11, 2017, in a criminal proceeding entitled *The People of the State of California vs. Claude Matthew Bryant* in Stanislaus Superior Court, Case No. 400039, Respondent was convicted on his plea of nolo contendere to a violation of Penal Code section 487 (a) (grand theft), a misdemeanor.

b. The circumstances were that between January 31, 2014 and June 29, 2014, respondent willfully, unlawfully, and feloniously took property of another of a value exceeding \$950. Respondent was paid \$6,692.61 in commissions on fraudulent preneed policies.

**SECOND CAUSE FOR DISCIPLINE**  
**(Misrepresentation and/or Fraud in the Conduct of Business)**

14. Respondent is subject to disciplinary action under Code section 7692 in that he admitted that he forged the signatures on twelve preneed contracts in order to collect \$6,692.61 in commissions.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking Funeral Director License No. FDR 3044, issued to Claude M. Bryant;
2. Ordering Claude M. Bryant to pay the Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 27, 2018 Lisa M. Moore

LISA M. MOORE  
Bureau Chief  
Cemetery and Funeral Bureau  
Department of Consumer Affairs  
State of California  
Complainant

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